

REMARKS/ARGUMENTS

Claims 2, 4–12, 14–19, 21, 22, 35, and 36 are pending in this application. Claims 2, 4–12, and 35 stand allowed. Claim 22 would be allowable if rewritten in independent form including all the limitations of base claim 36 and intervening claim 21. Applicants appreciate the Examiner's notification of allowed and allowable subject matter.

In this paper, new claim 37 has been added, consisting of claim 22 rewritten in independent form including all the limitations of base claim 36 and intervening claim 21. New claim 38 has been added to depend from claim 37, and new claim 39 has been added. Claims 21, 22, and 36 have been cancelled without prejudice. Claims 14–16 and 19 have been amended.

The amendments made herein add no new matter. Any amendment to the claims which has been made in this Amendment and Response, and which has not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Claim Rejection - 35 U.S.C. §102(b)

Claims 14, 15, 21, and 36 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 5,669,704 to Pastrick. The rejection is traversed.

Claims 21 and 36 have been canceled without prejudice in this paper. Thus, the rejection of claims 21 and 36 is moot. Applicants request withdrawal of the rejection of claims 21 and 36.

Claims 14 and 15 have been amended to depend from claim 39. Thus, the patentability of claims 39, 14, and 15 will be addressed.

Pastrick '704 discloses a vehicle mirror assembly 26 incorporating a personal security lighting system 25. The lighting system comprises a security light 30 and a signal light 32, which can be incorporated into a light module 104 having a module housing 116 mounted beneath the

reflective element 28. The reflective element is coupled with a bracket 43', one end of which is coupled with the reflective element, the other end of which terminates in a stationary panel or sail 38 attachable to a stationary vehicular panel 40 to which is mounted the mirror assembly. According to Figure 10, the connection of the stationary panel 38 to the vehicular panel 40 appears to be conventional, although there is no disclosure in Pastrick '704 of the details of the connection.

The module 104 is suspended from the bracket 43', which also supports a mirror assembly casing 34". A pair of flexible prongs 112, each of which comprises 2 parallel, closely-spaced clip connectors terminating in hook portions, extends downwardly from a lower edge of the bracket. The module 104 has a pair of raised sockets 114 adapted for receipt of the flexible prongs 112. The sockets extend away from a planar wall 133 of the module housing 116. A pair of shoulders 118 defining a slot 120 extends upwardly along opposed sides of the top of the module housing 116, and are adapted to engage a protrusion (not shown) from the mirror assembly casing 34" to assist in positioning the module 104 within the mirror assembly housing.

Pastrick '704 does not disclose locator pants adjacent sockets extending away from one of the mirror mounting panel and a vehicle mounting handle. The Clarks are not adjacent a boss which facilitates coupling of the mirror mounting panel with a vehicle mounting panel. The office action asserts that past week 704 discloses a mirror mounting panel, i.e. the sale, which has a hook. The office action also asserts that the book is adapted to be slightly received within the socket when the hook and sockets are properly aligned with one another and the mirror mounting panel is moved forward only with respect to a vehicle mounting surface so the hook can be received in the stock." Finally, the office action asserts that there is a locator pad positioned adjacent to the socket, and a boss in space relationship to the hook.

New independent claim 39, in pertinent part, calls for a mirror mounting panel including one of a hook and a socket, a vehicle mounting panel adaptable to include the other of a hook and a socket, the orientation of the hook and the socket enabling coupling of a hook with a socket, a locator pad adjacent a socket for facilitating coupling of the mirror mounting panel with a vehicle mounting panel, the locator pad extending away from one of the mirror mounting panel and a

vehicle mounting panel, and a boss disposed adjacent the hook for facilitating coupling of the mirror mounting panel with a vehicle mounting panel. The hook is adapted to be slidably received within the socket when the mirror mounting panel is translated along a vehicle mounting panel.

The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986). To anticipate, a single reference must teach each and every limitation of the claimed invention. *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1335; 73 U.S.P.Q.2D (BNA) 1782 (Fed. Cir. 2005). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See, also, *Amgen v. Hoffmann-La Roche*, _ F.3d _; _ U.S.P.Q.2d (BNA) _; 2009 U.S. App. LEXIS 20409 (Fed. Cir., September 15, 2009). The rejection fails to satisfy these requirements.

The Office action asserts:

Pastrick discloses a vehicular mounting system comprising a mirror mounting panel... having a hook (112) There is a vehicle mounting surface (104) adaptable to have a socket (114) The hook is adapted to be slidably received within the socket when the hook and socket are operably aligned with one another and the mirror mounting panel is moved forwardly with respect to a vehicle mounting surface so the hook can be received in the socket. There is also a locator pad (see col. 10, lines 5-10) positioned adjacent to the socket and a boss (at 43' ... see fig. 21) in spaced relationship to the hook. *Office action*, p.2.

Pastrick '704 discloses none of these limitations of claim 39. First, assuming, without conceding, that the stationary panel 38 of Pastrick '704 comprises a mirror mounting panel, Pastrick '704 does not disclose that the panel has a hook. The hooks 112 identified by the Office action are neither included in the mirror mounting panel 38 nor the vehicle mounting panel 40. Rather, the hooks 112 depend from the bracket 43', well away from the stationary panel 38 and the vehicular

panel 40. As well, Pastrick '704 does not disclose a mirror mounting panel having a socket. Pastrick '704 does not disclose the mirror mounting panel of claim 39.

What the Office action identifies as a "vehicle mounting surface" is identified in Pastrick '704 as a "fiber optic bundle 104" and a "light module 104 that is removably positioned within housing 34.'" Pastrick '704, col. 7, ln. 64-66, col. 8, ln. 20-22. Neither of these components can even remotely be considered a vehicle mounting surface. Moreover, assuming, without conceding, that the mirror mounting portion of the vehicle 40 of Pastrick '704 comprises a "vehicle mounting surface" the mirror mounting portion disclosed in Pastrick '704 includes neither a hook nor a socket. Similarly, neither the fiber optic bundle nor the module includes a hook or a socket. Pastrick '704 does not disclose the vehicle mounting panel of claim 39.

As to the third assertion, the Office action identifies nothing in Pastrick '704 to support the assertion that the hook can be received in the socket when the mirror mounting panel is moved forwardly with respect to a vehicle mounting panel. Indeed, there can be no disclosure of such a limitation since Pastrick '704, at best, illustrates the mirror mounting portion of the vehicle 40 receiving the stationary panel 38 from a generally perpendicular direction, not with the translation of claim 39.

As to the fourth assertion, Pastrick '704 does not disclose a locator pad. Column 10, lines 5-10 reads

142 engage a connector 148, which provides electrical connection between signal light assembly 138 and the vehicle through cable 128 which, in turn, may piggyback or otherwise connect to existing 12-volt battery/ignition wiring already supplied in the housing to service an electrical actuator and/or a defroster heater pad.

Clearly, the citation to column 10, lines 5-10 does not support the assertion that a locator pad is disclosed in Pastrick '704, and that a locator pad is positioned adjacent the socket.

Finally, Pastrick '704 does not disclose a boss in spaced relationship to the hook. Reference character 43' refers to the bracket. In Figure 21, the lead line from 43' touches on what appears to be a fastener receptacle associated with connecting the various elements of the mirror assembly. Nevertheless, the bracket 43' does not include a boss for facilitating coupling of the mirror mounting panel with a vehicle mounting panel, or a boss extending away from either the mirror mounting panel or the vehicle mounting panel. Moreover, the "boss" asserted by the Office action does not have an inclined portion, as called for in claim 39.

Pastrick '704 does not disclose each and every element of the invention of claim 39. The invention of claim 39 is not identically shown in Pastrick '704 in as complete detail as is contained in claim 39. Claim 39 is patentable over Pastrick '704. Because claims 14 and 15 depend from claim 39, claims 14 and 15 are similarly patentable over Pastrick '704.

Applicants request withdrawal of the rejection of claims 14 and 15, and the allowance of claims 14, 15, and 39.

Claim Rejection - 35 U.S.C. §103(a)

Claims 16–19 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Pastrick '704 in view of official notice provided by the Examiner. The rejection is traversed.

Claims 16–19 depend from claim 39, and thus incorporate all the limitations of claim 39.

The Examiner's official notice is based upon the assertion that "it is common in the art to provide seals (such as rubber) around the perimeter of housings subject to outside elements to provide protection from the elements," and that it would be obvious "to provide a seal on the perimeter of the housing taught by Pastrick." *Office action, p. 3.*

Claim 16 calls for "at least one seal mounted to at least one peripheral edge of the mirror mounting panel." The seal of claim 16, and thus of claims 17–19, has no relationship to the perimeter of a housing. The assertion of obviousness is not supported.

Nevertheless, as discussed above, Pastrick '704 fails to disclose several limitations of claim 39. The Examiner's official notice does not provide these limitations. Thus, the combination of Pastrick '704 and the Examiner's official notice cannot equal the invention of claim 39 and, consequently, the inventions of claims 16–19. Claims 16–19 are patentable over Pastrick '704 in view of the Examiner's official notice.

Applicants request withdrawal of the rejection, and the allowance of claims 16–19.

CONCLUSION

For the reasons discussed above, claims 14–19 and 39 are allowable over the cited prior art. If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is invited to contact the undersigned. Early notification of allowability is requested.

Respectfully submitted,

IAN BODDY ET AL.

Dated: September 25, 2009

By: /Michael F Kelly/

Michael F. Kelly, Reg. No. 50,859
G. Thomas Williams, Reg. No. 42,228
MCGARRY BAIR PC
32 Market Avenue SW, Suite 500
Grand Rapids, Michigan 49503
mfk@mcgarrybair.com